

# ORIGINAL

## CITY OF SHORELINE HEARING EXAMINER

### FINDINGS, CONCLUSIONS AND DECISION

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**APPELLANTS:** Jim Karambelas, Elaine and Donald Lueck, Isabel and Larry Geraghty, Brenda and Jim Warner

**FILE NO:** 1998-01342 and 1998-01343

**APPEALS:** Appeal of Feisable Construction Combined Preliminary Approval of two short plats

**REVIEW PROCESS:** This is an open record appeal with the decision made by the Hearing Examiner.

### BACKGROUND INFORMATION:

#### A. Location and Neighborhood:

The subject properties are located in the Richmond Beach Neighborhood of Shoreline, with the street address of 19704 10th Avenue NW. A single house is located on the site. The legal description of the subject properties is: Tracts 7 and 8, Block 2, Park View Tracts, an addition to King County, Washington, according to the plat thereof, recorded in Volume 35 of plats, page 45, in King County, Washington.

The site slopes up from west to east, with a fairly steep incline on and near the right-of-way of 10th Avenue NW. The southwestern portion of the site is identified as a potential erosion hazard zone. The eastern portion of the site has only a gradual slope with several trees remaining from an orchard established in the earlier part of this century.

The area surrounding the proposed developments is predominantly single family residential in character with fairly large homes on relatively larger lots. The average lot size within 500 feet of the project site is 12,269 square feet, and the lots range in size from 6,050 square feet to 54,095 square feet.

#### B. Project Description:

The project is two Short Plat Applications for two adjacent lots which make use of joint facilities. The properties total 1.03 acres in size, and the proposed lots would average 6,904 square feet in size, with an access tract of 3,600 square feet to be dedicated to the City. The proposal is to subdivide the two adjacent properties into a total of six residential building lots (Tract 7 (the north lot) is 22,063 square feet and Tract 8 is 22,962. The sizes of new lots is as follows:

SHSP98035 (Tract 7) - Lot 1N: 6,369 SF; Lot 2N: 6,338 SF; Lot 3N: 7,556 SF

SHSP98034 (Tract 8) - Lot 1S: 7,268 SF; Lot 2S: 6,338 SF; Lot 3S: 7,556 SF  
Access Tract: 3,600 SF

A single public roadway located approximately in the center of the development and, approximately 160 feet in length (initial submittal, modified to 150 feet by extending property lines of two easterly lots) from the center line of the adjacent street would serve as access to the proposed short subdivisions. This access road would be located 110 feet from the nearest intersection.

### **C. Comprehensive Plan:**

The land use design adopted by the 1994 King County Comprehensive Plan designated this part of the Richmond Beach Neighborhood medium density urban residential development (UM Designation, 4-12 dwelling units per acre). The King County Comprehensive Plan was adopted for interim planning purposes by the City of Shoreline during the incorporation process in 1995. In accordance with the requirements of the Growth Management Act, the entire City is designated an Urban Growth Area by the Plan. This Plan was in effect at the time these applications were determined to be complete.

Note: The Shoreline City Council adopted a new 20-year Comprehensive Plan on November 23, 1998. Because these applications were determined to be complete prior to the adoption of this new Comprehensive Plan, the applications were reviewed under the policies of the 1994 King County Comprehensive Plan.

### **D. Zoning:**

The subject properties are currently zoned R-6 (Residential, six dwelling units per acre). This is the most frequently occurring zoning designation found in the City of Shoreline, with approximately 85% of the City assigned to this zone. The purpose (SMC 18.04.080) of the urban residential zone (R) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy.

### **E. Transportation, Infrastructure and Utilities:**

The site has direct access to 10th Avenue NW, which functions as a Local Access Street - Subcollector. 10th Avenue NW feeds into 8th Avenue NW, a Collector Arterial via NW 200th Street. In addition to serving existing residences, it functions as a school route to Syre Elementary School, for pedestrians and vehicles. There are no curbs, gutters, or sidewalks on 10th Avenue NW, although a widened shoulder intended for pedestrian use exists along the east side of the road.

Staff testified that Tract A will include storm detention facilities designed for a 100 year storm. The analysis has included a Level One drainage analysis which includes off-site and downstream considerations.

The Water Availability Certificate indicates that the existing system has the capacity to serve the proposed six houses of the two projects, contingent on the Fire Marshall's approval. The Shoreline Fire Department has indicated that fire sprinklers are required in each new house on the site, and that emergency vehicle access is acceptable. The nearest fire hydrant is located 360 feet from the west property line with a rate of flow of 500-999 gpm (gallons per minute) for a duration of 1 hour to 2 hours.

The Sewer Availability Certificate indicates no special requirements or conditions.

Seattle City Light has indicated the need for an easement over the south 5 feet of the west 185 feet of the site, as well as in the access tract to provide electrical service to this project and neighboring residences. A street light paid for by residents of the neighborhood exists at the intersection of 10th Avenue NW, NW 197th Place, and NW 198th Street.

The Staff Report indicates that the method of garbage collection will be determined after construction is complete through agreement between the new homeowners and the garbage collection agency.

#### **E. Procedural History:**

- The applications for these proposed short subdivisions were received by the Shoreline Planning and Development Services Department on July 31, 1998, and accepted as complete on that same day. The applicant was verbally notified that the application was complete.
- Public notice of applications issued August 19, 1998. The public comment period was scheduled to run from August 19, 1998 to September 16, 1998.
- It was discovered that the public notice had not been published in the newspaper of record (the Seattle Times), so the comment period was extended to October 15 to allow for adequate newspaper notification.
- City received 29 comment letters opposed to the subdivisions
- Preliminary Approval with combined conditions was issued on November 9, 1998. A timely appeal was jointly filed on November 24, 1998
- Open record public appeal hearing was scheduled and held on Wednesday, January 13, 1999 at 7:00 p.m. in the Mount Rainier Room of the Shoreline Conference Center.

#### **F. Conditions applied to Plat**

The following conditions were applied by the City of Shoreline in their Preliminary Approval:

1. The requirements of SMC 18.24.220 regarding Erosion Hazard Areas must be complied with.
2. Building setback lines shall be designated on the face of the plat. Aggregate setbacks may be used on lots 3N and 3S provided the orchard trees be left undisturbed.
3. 10th Avenue NW shall be paved 14 feet east and west of the centerline for the project frontage. The west side of the roadway shall be marked with a curb line and the east side shall be constructed with a vertical curb and gutter, as well as a 5-foot concrete sidewalk.

4. The hillside on the east side of 10th Avenue NW shall be stabilized with a rockery or a comparable geo-block engineering system, and the hillside shall be professionally landscaped.

5. Tract A shall be identified as NW 198th Place and dedicated to the City. NW 198th Place shall be constructed with a 22-foot paved roadway with vertical curb and gutter and a 5-foot concrete sidewalk on one side.

6. A 100-year storm detention system shall be installed in Tract A and dedicated to the City. Drainage from new houses shall be tight-lined into this system. Also, a drainage system shall be constructed behind the rockery along the west side of Lot 1S.

7. Any new houses on the site must be equipped with sprinklers, or the installation of a fire hydrant within 350 feet of the development and with the capability to produce 1000 gallons per minute over 2 hours.

8. Conditions of the Water Availability Certificate must be met.

9. Conditions of the Sewer Availability Certificate must be met.

10. The easement requested by Seattle City Light must be recorded on the face of the plat.

#### **G. Appeal Issues:**

The appellants in two separate letters identified the following 17 items for consideration:

1. Review of the developments as two separate applications vs. one parcel thereby avoiding a SEPA review and long plat application process.

2. Proximity of the access road to the intersection of 10th Avenue NW, NW 197th Place, and NW 198th Street.

3. Neighborhood character issues, which article 18.02.030 of the Shoreline Municipal Code provides consideration for

4. Density and growth management issues as they pertain to the R-6 zoning requirement

5. Proper and thorough review of existing soil conditions and sensitive areas review.

6. Requirement for a turn around at the east end of the common drive entrance

7. Determination of completeness for the original short plat application.

8. The original application did not site the correct address and therefore should be resubmitted with a future date.

9. Insufficient service vehicle accessibility for garbage collection or pickup, and there are no provisions for the location and screening of garbage and recycling bins.

10. Concern about the removal of the existing oil tank and testing for contamination.

11. The City should not accept the access tract because of its private usage. Also, the access tract should be NW 198th Street, not NW 198th Place, as it is an extension of NW 198th Street.

12. Drainage concerns have not been adequately addressed.

13. Concern that additional development and removal of vegetation will raise the groundwater table, and homes to the west and south of the site (below this development) will flood. SEPA should be used.

14. The Erosion Hazard Area Designation has not been adequately addressed.

15. Traffic problems at the corner of 10th Avenue NW, NW 197th Place, and NW 198th Street have not been fully addressed.

16. Street lighting at the corner of 10th Avenue NW, NW 197th Place, and NW 198th Street is currently paid for by two of the residences on the corner. This should be a concern of the City.

17. Impervious surface above and beyond code is not addressed. Decks and patios are not taken into account, and this increases the total amount.

### **PUBLIC HEARING:**

On January 13, 1999, the Hearing Examiner held a public hearing on the appeals. The hearing was opened at 7:00 p.m. in the Mount Rainier Room of the Shoreline Conference Center and was closed at 9:45 p.m. All records and a recording of the hearing are available at the office of the City Clerk.

At the beginning of the public hearing the Hearing Examiner indicated that he had visited the site and had reviewed the record. He indicated the procedures for the hearing and noted that the burden of proof is on the appellant. Each witness was asked to affirm that the information they would provide was accurate and true.

Testimony was offered at the public hearing by the City of Shoreline, the appellant, the applicant and neighbors and Shoreline residents. Testimony was offered as follows:

#### **City of Shoreline:**

Sarah Bohlen,, Project Manager  
Anna Kolousek,  
Bruce Disend, City Attorney  
Daniel Bretzke, Project Engineer

#### **Appellant:**

Jim Karambelas  
Elaine & Donald Lueck  
Isabel Geraghty  
Brenda and Jim Warner

#### **Applicant:**

Gary Cooper  
Sam Jacobs

#### **Residents:**

Ginger Botham  
Mark Jensen

Gary Horvitz  
Kenneth Moore  
Dave Buchan  
Susan Macek  
Georgene Karambelis  
Barb Kristek  
Doug McArthur  
Joe Phillips

Testimony of the City of Shoreline emphasized the seventeen items listed in the appeal and provided detailed response to each of the items. The Staff Report and attachments were submitted as exhibits.

The testimony of the appellants and residents who testified emphasized the following items listed in their appeal. This summary is supplemented by the information and letters submitted as part of this appeal as well as contained in the record applicable to the preliminary approval of the short plats. The items are summarized as follows:

- Relationship of drive entrance to adjacent Intersections
- Length of the cul-de-sac road not meeting adopted road standards which requires a turnaround
- Questioned why the road was going to be accepted as a public road
- Questioned designation of 10th Avenue NW since it meets the criteria as a Neighborhood Collector requiring a minimum offset of intersections of 150 feet.
- Definition of the staff ability to allow "minor" modifications to the plat
- Neighborhood Character being harmed with the densities proposed in plat and raised the question that townhouses were being built.
- Need for a traffic study
- Safety of Children using 10th the go to school
- Significant problems of drainage in this area and the need for analysis of Off-Site drainage impacts

The appellant, Gary Cooper, responded that the plat meets the requirements of the City of Shoreline. He clarified that they are proposing detached single family houses, not townhouses. He noted that the proposal meets the density provisions of the City and the lots are larger than the 5,000 sq. ft. minimum allowed. He noted that they will work with the neighbors on the street light and in answer to questions about the garbage collection, indicated that they would provide a screened location for these items. It was noted that the issue of the amount of impervious surface is dealt with on the individual building permits. He indicated that they were in agreement with the conditions applied by the City in the preliminary approval.

In response to questions the City testified that the on-site drainage system in Tract A was designed for a 100 year storm event and that a Level One analysis had been made of off-site and downstream issues; they responded that it is assumed that if the street is built to City standards,

the garbage trucks should be able to use it. In summation, the City indicated that they had met all procedural and regulatory requirements in the preliminary approval.

## **FINDINGS, CONCLUSIONS AND DECISION:**

After reviewing the application, the Preliminary Approval with Conditions, the letter of appeal, considering all public testimony submitted in writing and by witnesses at the public hearing , and after viewing the subject property and its surroundings, the Hearing Examiner hereby enters the following Findings, Conclusions and Decision:

### **I. FINDINGS:**

A. The primary issues related to this appeal are whether the City of Shoreline Development Services Group erred in issuing the preliminary approval and did adequately consider road standards and safety, surface water management and off-site impacts, and housing density as proposed being incompatible with the existing neighborhood character and provision for emergency services and garbage collection.

B. The rules of procedure adopted by the City of Shoreline for appeals to the Hearing Examiner place the burden on the appellant for establishing that the decision is not supported by the preponderance of the evidence.

C. The City of Shoreline adopted the King County Road Standards - 1993 as Chapter 14.42 by Ordinance No. 16.

D. Extensive public comment in opposition to these short plats was received at the appeal and during the comment period on the applications prior to preliminary approval.

E. The approval of an access tract which effectively exceeds 150 feet is not consistent with King County Road Standards 2.08.A which states that a widened "bulb" shall be constructed whenever the "cul-de-sac street serves more than six lots or extends more than 150 feet from centerline of accessing street to farthest extent of surfaced traveled way.." The extension of the property lines on lots 3N and 3S to extend the driveways to the end of the official Tract A in essence extends the surfaced traveled way.

F. Manipulating the length of Tract A by reducing the size of Lots 1N, 2N, 1S and 2S would not be consistent with the character of the neighborhood.

G. The following appeal items were not fully addressed in the appellants submissions or testimony at the public hearing or have been determined not to be issues bearing on the approval of the short plats or the environmental determination:

- Determination of completeness of the original application (Item 7)

- Incorrect address on the original application (Item 8)
- Removal of the existing oil tank and testing for contamination (Item 10)
- Impervious surface above and beyond code (Item 17)

H. The review of the developments as two separate applications with common facilities is consistent with Shoreline regulations. The City of Shoreline adopted threshold level as a categorical exemption from environmental review is the construction or location of any residential structures of eight dwelling units.

I. Although 10<sup>th</sup> Avenue NW meets many of the criteria for a Neighborhood Collector, these criteria are to be considered by the City in their designations; however as part of its overall transportation planning effort the City of Shoreline has not made such a designation.

J. The proximity of the driveway to the intersection of 10th Avenue NW to NW 197th Place and NW 198th Street meets the minimum separation standard based on the classification of 10th Avenue NW as a Local Access Street; however the configuration and topography of the intersection make it important that adequate consideration be made of larger service vehicles such as garbage trucks and emergency vehicles. It is important that they be able to access these properties without creating a hazard in 10<sup>th</sup> Avenue NW.

K. The dedication of Tract A to the City of Shoreline is appropriate considering the location of storm detention facilities needing maintenance. This reinforces the need for an adequate turnaround at the end of the tract to assure space for maintenance vehicles.

L. The applicant has indicated a willingness to participate in the cost of the street light at the intersection and to make provision for a screened area for storage of garbage cans and recycling bins for collection.

## **II. CONCLUSIONS**

A. The six lots as proposed and their size and configuration are consistent with the provisions of the City of Shoreline Comprehensive Plan and Zoning Regulations and provisions of the Growth Management Act;

B. The City of Shoreline has adequately documented the adequacy of water supply, sewer service, and fire protection;

D. The conditions for short plat preliminary approval are adequate to address appellant concerns related to surface water management, on-site soil conditions and the Erosion Hazard Area. The conditions also will make pedestrian and traffic improvements to 10<sup>th</sup> Avenue NW in the vicinity of the subject property.



E. Tract A should be defined in length (approximately 163 feet from the centerline of 10<sup>th</sup> Avenue NW to the property lines of the easterly lots) as initially submitted and should include a turnaround meeting King County Road Standards 2.08.A. A variance for an optional turnaround configuration may be applied for to the City Engineer; however the requirement for a turnaround shall be met.

F. Prior to final approval, the applicant and the City of Shoreline will work with the fire department and applicable service providers to assure that appropriate, safe emergency vehicle, maintenance and garbage truck access to these lots is possible in the final design of the road on Tract A.

G. The offer of the applicant to share the cost for the street light and to provide appropriate, screened enclosures for garbage and recycling containers in a location which will not adversely impact pedestrian or vehicular safety should be accepted.

### **III. DECISION**

The Appeal is partially granted in that the Preliminary Approval of the Short Plats is approved subject to the following conditions which are in addition to those applied by the City of Shoreline in the preliminary approval dated November 9, 1998:

A. Based on the initial short plat submission and the proposed lot sizes, Tract A will be defined essentially as initially submitted and shall include a widened "bulb" turnaround meeting King County Road Standards 2.08.A. A variance for an optional turnaround configuration may be applied for to the City Engineer and approved if it meets variance criteria; however the requirement for a turnaround shall be met.

B. Prior to final approval, the applicant and the City of Shoreline will work with the fire department and applicable service providers to assure that appropriate, safe emergency and maintenance vehicle and garbage truck access to these lots is possible in the final design of the road on Tract A. Provision will also be made for a screened location as necessary for storage of garbage and recycling containers in a location which will not adversely impact vehicular or pedestrian safety. The City will approve the location and design of this facility.

C. The applicant will enter into an agreement with property owners to share the cost of the street light prior to final approval. If no reasonable agreement can be reached, the City may waive this requirement.

### **EXHIBITS:**

The following exhibits were offered and entered into the record:

Exhibit A      Appeal of Feisable Construction's Short Plat Applications  
Submitted by Don Lueck and Jim Karambelas  
Dated November 24, 1998  
Filed with City Clerk's Office November 24, 1998

Exhibit B      Planning and Development Services Department Record for the  
Feisable Construction Short Plat  
Submitted to City Clerk's Office on December 10, 1998

Exhibit C      Staff Report to the Hearing Examiner  
Submitted by Sarah Bohlen, Planning and Development Services,  
City of Shoreline  
Not dated – Received in City Clerk's Office on January 4, 1999

Exhibit D      Letter to Hearing Examiner from Bruce Stackhouse, 2327 N.W. 197th,  
Shoreline, WA 98177  
Dated January 11, 1999  
Received in the City Clerk's Office on January 12, 1999

Exhibit E      Letter to Hearing Examiner from James and Brenda Warner,  
19807 – 10th Avenue N.W., Shoreline WA  
Dated January 11, 1999  
Received in the City Clerk's Office on January 12, 1999

Exhibit F      Letter from Don and Betty Rahkonen, 19704 – 11th Avenue N.W.,  
Shoreline, WA  
Dated January 6, 1999  
Received in the City Clerk's Office on January 12, 1999

Exhibit G      Letter to Hearing Examiner from Mary Bartholet, 19827 – 10th Place,  
Shoreline WA  
Dated January 11, 1999  
Received in the City Clerk's Office on January 13, 1999

Exhibit H      Letter from John W. and Shirley R. Edwards, 19612 – 12th Avenue  
N.W., Shoreline, WA  
Dated January 12, 1999  
Submitted at hearing

Exhibit I      Letter to Hearing Examiner from Isabel and Larry Geraghty,  
19634 – 10th Terrace N.W., Shoreline, WA  
Dated January 10, 1999  
Submitted at hearing

Exhibit J Letter from Elaine and Donald Lueck, 19361 – 10th Terrace N.W.,  
Shoreline, WA  
Dated January 13, 1999  
Submitted at hearing

Exhibit K Letter from James Karambelas, 19826 – 10th Avenue N.W.,  
Shoreline, WA  
Dated January 12, 1999  
Submitted at hearing

Exhibit L Chart of Approval Sketch  
Submitted at hearing by James Karambelas

Exhibit M Chart of Lot Site at 10th Avenue N.W.  
Submitted at hearing by James Karambelas

Exhibit N List of “Reasons why there SHOULD NOT be short plats on 10th”  
Submitted at hearing by Linda Stern, 1117 N.W. 201st, Shoreline, WA

**PARTIES OF RECORD:**

Ken and Jennifer Altena  
1211 NW 201st St.  
Shoreline, WA 98177

Mary Bartholet  
19827 10th Pl. NW  
Shoreline, WA 98177

Dave Buchan and Susan Macek  
19844 10th Ave. NW  
Shoreline, WA 98177

Gary Cooper  
20351 Greenwood Ave. N  
Shoreline, WA 98133

Rich Armstrong and  
Susan E. Coulter-Armstrong  
19810 10th Pl. NW  
Shoreline, WA 98177

Michael and Voula Dodd  
19845 10th Ave. NW  
Shoreline, WA 98177

Carolyn Evans  
19819 10th Ave. NW  
Shoreline, WA 98177

Jerry and Karen Fleet  
19612 11th Ave. NW  
Shoreline, WA 98177

Tina and Gary Forster  
825 NW 197th St  
Shoreline, WA 98177

Patti Gentling  
243 NW 198th  
Shoreline, WA 98177

Isabel and Larry Geraghty  
19634 10th Terrace NW  
Shoreline, WA 98177

Dwight Gibb  
2123 NW 201st St  
Shoreline, WA 98177

William R. and Brenda Z. Guiberson  
20130 8th Ave. NW  
Shoreline, WA 98177

Gary E. Horvitz and Lynn-dee Schwarz  
19811 10th Pl. NW  
Shoreline, WA 98177

Marcus C. and Barbara J. Jensen  
1041 NW 197th Pl.  
Shoreline, WA 98177

James & Georgene Karambelas  
19826 10th Ave. NW  
Shoreline, WA 98177

Feisable Construction  
323 N. 188th Street  
Shoreline, WA 98133\_\_

Elaine and Donald Lueck  
19631 10th Terrace NW  
Shoreline, WA 98177-2649

Jolene L. Mathews  
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Shoreline, WA 98177

George W. Mauer  
1430 NW 191st St.  
Shoreline, WA 98177

Douglas and Beverly McArthur  
822 NW 197th St  
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Marian Osborne  
1109 NW 200th St  
Shoreline, WA 98177

Barbara S. Psaty  
1016 NW 196th St.  
Shoreline, WA 98177-2633

H. Albert Richardson  
19819 10th Ave. NW  
Shoreline, WA 98177

Kristina Hestenes Stimson  
2155 NW 201st St  
Shoreline, WA 98177

Jane C. Strand  
19834 10th Ave. NW  
Shoreline, WA 98177-2607

Dorothy Sweeney  
19822 10th Pl. NW  
Shoreline, WA 98177

James and Brenda Warner  
19807 10th Ave. NW  
Shoreline, WA 98177

Michael Whittle  
803 NW 197th  
Shoreline, WA 98177

John Yackshaw  
1034 NW 197th Pl.  
Shoreline, WA 98177

John & Anita Buchman  
19827 – 10th Avenue N.W.

Jin Yu  
19815 – 10th Avenue N.W.

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Virginia Botham  
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John W. and Shirley R. Edwards  
19612 – 12th Avenue N.W.  
Shoreline, WA 98177

Garry Horvitz  
19811 – 10th Place N.W.  
Shoreline, WA 98177

Don & Barb Kristek  
1035 N.W. 197th Place  
Shoreline, WA 98177

V. DeMore  
20015 – 10th N.W.  
Shoreline, WA 98177

Frank & Edith Christensen  
1115 N.W. 200th  
Shoreline, WA 98177

Karen Lorentzen  
1030 N.W. 199th  
Shoreline, WA 98177

Donna Gola  
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Shoreline, WA 98177

Samuel Jacobs  
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425 Pike Street, Suite 402  
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19704 – 11th Avenue N.W.  
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Linda Stern  
1117 N.W. 201st  
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Kenneth Moore  
19621 – 10th Terrace N.W.  
Shoreline, WA 98177

Joe Phillips  
20090 – 10th N.W.  
Shoreline, WA 98177

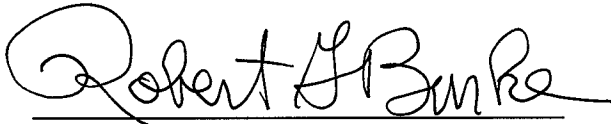
Bill Menard  
1010 N.W. 197th Place  
Shoreline, WA 98177

Keith & Joyce Fresonke  
19827 – 11th N.W.  
Shoreline, WA 98177

Pam Stark  
321 North 205th  
Shoreline, WA 98177

Tom & Kathy Donaldson  
1019 N.W. 196th  
Shoreline, WA 98177

Entered this 28th day of January, 1999. The decision of the Hearing Examiner shall be the final decision on any appeal.

A handwritten signature in black ink, reading "Robert G. Burke". The signature is fluid and cursive, with the first name "Robert" being larger and more prominent than the last name "Burke".

Robert G. Burke, Hearing Examiner

**APPEAL OF HEARING EXAMINER'S DECISION;**

Pursuant to Ch. 347 of 1995, Sec 705, this decision may be appealed by filing a land use petition in Superior Court and serving all persons entitled to service under 705 within 21 calendar days of the date the decision was mailed to the parties of record. At the end of the 21 day period, if no appeal has been filed, the decision of the Hearing Examiner shall become final and any appeal is thereafter barred. The last day for filing an appeal is February 21, 1999. The appeal must be filed with King County Superior Court, King County Clerk's Office, Room E-609, King County Courthouse, 516 Third Avenue, Seattle, Washington.